

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

ROGALL, Peter and EILTING, Martin

Serial No.: 10/521,615

Filing Date: 02/09/2006

Confirmation Number: 4111

Group Art Unit: 3745

Examiner: Igor Kershteyn

Docket No.: 129494-4

For: WIND POWER PLANT AND ARRANGMENT OF BEARINGS THEREFOR

**Petition Under 37 C.F.R. §1.47(b) to Permit Filing a Patent Application**  
**When an Inventor Refuses to Sign the Oath or Declaration**

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please permit acceptance of the application identified above that is being filed concurrently with the un-signed Declaration of Peter Rogall and Martin Eitling, the two co-inventors listed above.

The non-signing inventors, Peter Rogall and Martin Eitling, were presented with the declaration and application papers as indicated below.

The declaration was sent to Peter Rogall and Martin Eitling on March 27, 2008 via e-mail under my direction by my assistant, Shannon Cannizzaro (Attachment A). The declaration and application papers were sent by James Pemrick to Peter Rogall and Martin Eitling via e-mail on April 24, 2008 (Attachment B) and again on June 3 2008 (Attachment C). In addition the declaration and application papers were sent by James Pemrick to Peter Rogall and Martin Eitling via FedEx International Priority on April 24, 2008 (Attachments D and E, respective FedEx shipment and tracking receipts). Both inventors, Peter Rogall and Martin Eitling, stated in e-mails (Attachments F and G) to James Pemrick that they would

not sign the new declaration until German remuneration issues are resolved to their satisfaction.

The last known address of Peter Rogall and Martin Eitling are:

**Peter Rogall**  
**Fleckenweg 3**  
**48488 Emsbüren**  
**Germany**

**Martin Eitling**  
**Dockenschlag 15**  
**48432 Rheine**  
**Germany**

The application was assigned to the General Electric Company in an assignment recorded in the United States Patent and Trademark Office at Reel 017543, Frame 0458.

The filing of the Petition under 37 CFR 1.47(b) is necessary to comply with requirements of the Examiner, in response to the outstanding office action, and to preserve the rights of the inventors and applicant.

In the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to Deposit Account No. 070849.

Please feel free to contact the undersigned by telephone for any additional information that may be required in order to expedite the granting of this Petition.

Respectfully submitted,

/James W. Pemrick/

Date: June 11, 2008

James W. Pemrick  
Registration No. 38,577

GE Energy  
1 River Road  
Bldg. 43, Room 221  
Schenectady, NY 12345 USA  
(518) 385-4522

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if several names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

**WIND POWER PLANT AND BEARING ARRANGEMENT THEREFOR**

- ☐ the specification of which is attached hereto OR  
☒ was filed on February 9, 2006 as Application Serial No. 10/521,615.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known, which is material to the patentability of this application in accordance with Title 37, CFR §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) or (f) or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	CERTIFIED COPY ATTACHED
Germany	102 31 948.0	07/15/2002	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

As a named inventor, I hereby appoint **Practitioners at Customer Number 7788**, jointly, and each of them severally, as attorney(s) or agents(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to: James W. Pemrick at telephone number (518) 385-4522

I hereby direct that all correspondence and telephone calls in connection with this application be addressed to: **Practitioners at Customer Number 7788**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that all such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor: **Peter Rogall**

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Fleckenweg 3, 48488 Emsburen, Germany

Citizenship: Germany

Post Office Address: Fleckenweg 3, 48488 Emsburen, Germany

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that all such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or second joint inventor: **Martin H. Eilting**

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Dockenschlag 15, 48432 Rheine, Germany

Citizenship: Germany

Post Office Address: Dockenschlag 15, 48432 Rheine, Germany

## ATTACHMENT A

**Pemrick, James (GE Infra, Energy)**

---

**From:** Cannizzaro, Shannon (GE Infra, Energy, Non-GE)  
**Sent:** Thursday, March 27, 2008 11:32 AM  
**To:** Rogall, Peter (GE Infra, Energy); 'Martin Eilting'  
**Cc:** Pemrick, James (GE Infra, Energy)  
**Subject:** Signatures: 129494-4  
**Attachments:** 129494-4 - Declaration.doc; 129494-4 - NASA Decl .doc



Good Afternoon Peter and Martin!

I have attached the new declaration ready for your signatures, as well as a NASA Declaration. The NASA Declaration simply states that your invention has nothing to do with the National Aeronautics and Space Administration (NASA). **Please be advised that the signatures on the NASA Declaration ONLY need to be on the same document.** If one person would like to be first to print, sign and scan/fax to the other inventor to sign the same document and then forward to my attention.

Any questions, please feel free to contact Jim or myself.  
Once all signatures are secured, please forward both documents to me either via email/fax and please also send the originals to my attention to the address below.

Thank you so much for your help!

**Shannon Cannizzaro**  
Adecco Technical supporting GE Energy  
Legal Operation  
1 River Road, 43 2\*18  
Schenectady, NY 12345

(T) 518-385-1666  
(F) 518-385-4074  
(D) 235-1666  
(E) [Shannon.Cannizzaro@ge.com](mailto:Shannon.Cannizzaro@ge.com)

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The information contained in this document and any documents attached hereto may be privileged or confidential. It is the property of General Electric Company and shall not be used, disclosed to others, or reproduced without the express written consent of General Electric Company. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify us immediately by reply or by telephone (call us at +1 518-385-1666) and immediately delete this message and all its attachments. Thank you.

**Pemrick, James (GE Infra, Energy)**

---

**From:** Pemrick, James (GE Infra, Energy)  
**Sent:** Thursday, April 24, 2008 10:48 AM  
**To:** Rogall, Peter (GE Infra, Energy); 'martin.eilting@t-online.de'  
**Cc:** Cass, Jean-Paul (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Subject:** 129494  
**Attachments:** 129494-4 - Declaration.pdf; US2006153675A1.pdf; Letter.pdf

Tracking:	Recipient	Read
	Rogall, Peter (GE Infra, Energy)	
	'martin.eilting@t-online.de'	
	Cass, Jean-Paul (GE Infra, Energy)	
	Rieken, Stefan (GE Infra, Energy)	Read: 4/24/2008 11:10 AM
	Cusick, Ernest G (GE Infra, Energy)	

Re: U.S. Patent Application and Formal Papers for  
U.S. Patent Application Publication No. 2006/0153675 A1  
"Wind Power Plant And Arrangement Of Bearings Therefor"  
Inventors: Peter Rogall and Martin Eilting  
Invention Disclosure Letter No.: 129494

Dear Peter and Martin:

Thanks again for all of your assistance in the preparation and prosecution of the attached patent application for the invention identified above.

Enclosed with this e-mail is a new Combined Declaration and Power of Attorney paper for you to sign, date, and return to me (via facsimile, email, or postal mail). You may also send me any corrections, additions, and/or other comments that you might have concerning the application as discussed in more detail below.

I have also attached the published application, identified above, which was filed on February 9, 2006.

This new declaration is required by the Examiner in the most recent Office Action received from the United States Patent & Trademark Office (USPTO). If we do not comply, we run the risk of losing these intellectual property (IP) rights.

**Duty of Disclosure**

I would also like to bring to your attention the obligation of all individuals who are associated with the filing and prosecution of the application to disclose to the USPTO all information that is known by them to be material to the examination of the application. Failure to disclose such information may lead to any resulting patents being held unenforceable. This "duty of disclosure" remains in effect until any patents are ultimately issued and most often applies to two types of "prior art" which could otherwise prevent the issuance of a patent as discussed below.

**Prior Art**

The first type of material prior art is information concerning the invention and/or related technologies being "known or used by others in this country," or "patented or described in a printed publication" anywhere in the world, before the invention was completed by the applicant. The second type of prior art concerns the invention being "patented or described in a printed publication in this or a foreign country," or "in public use or on sale in this country," more than one year before the date that the patent application was filed in the United States. With regard to U.S. patents, it is also important to remember that they become effective as prior art on their U.S. filing date, rather than the later issue date on which they are actually published.

**Submission of Prior Art**

In order to comply with this duty of disclosure, copies of any references that are cited in the application will be submitted to the Patent Office as part of an Information Disclosure Statement, or "IDS." Since government surcharge fees can be avoided by filing the IDS within three months of filing the original application, please bring any additional prior art to my attention with your other comments on the application. If you become aware of new prior art at later date, then please bring it to my attention as soon as possible so that other

**ATTACHMENT B**

surcharge fees can be avoided by promptly submitting the information to the Patent Office within three months of its discovery.

I am looking forward to receiving your comments and signatures on the attached materials as soon as possible.

In the meantime, please feel free to call if you would like to discuss any aspect of the invention, application, or intellectual property laws in more detail.

Thanks,

James W. Pemrick  
Patent Agent

GE Energy  
Bldg. 43, Room 221  
One River Road  
Schenectady, NY 12345

Telephone: 518-385-4522  
DialComm: \*235-4522  
Facsimile: 866-325-5699  
E-mail: james.pemrick@ge.com <<mailto:james.pemrick@ge.com>>  
Web: www.ge.com <<http://www.ge.com/>>

General Electric Company

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**Pemrick, James (GE Infra, Energy)**

---

**From:** Pemrick, James (GE Infra, Energy)  
**Sent:** Tuesday, June 03, 2008 3:00 PM  
**To:** Rogall, Peter (GE Infra, Energy); 'martin.eilting@t-online.de'  
**Subject:** 129494  
**Importance:** High  
**Attachments:** US26153675A1.pdf; 129494-4 - Declaration (vJWP).doc

Re: U.S. Patent Application and Formal Papers for  
U.S. Patent Application Publication No. 2006/0153675 A1  
"Wind Power Plant And Arrangement Of Bearings Therefor"  
Inventors: Peter Rogall and Martin Eilting  
Invention Disclosure Letter No.: 129494

Dear Peter and Martin:

Enclosed with this e-mail is a new Combined Declaration and Power of Attorney paper for you to sign, date, and return to me (via facsimile, email, or postal mail). You may also send me any corrections, additions, and/or other comments that you might have concerning the application as discussed in more detail below. **I need to receive your signed documents by June 6, 2008.**

I have also enclosed the published application, identified above, which was filed on February 9, 2006.

This new declaration is required by the Examiner in the most recent Office Action received from the United States Patent & Trademark Office (USPTO). If we do not comply, we run the risk of losing these intellectual property (IP) rights.

### **Duty of Disclosure**

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### **Prior Art**

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### **Submission of Prior Art**

In order to comply with this duty of disclosure, copies of any references that are cited in the application will be submitted to the Patent Office as part of an Information Disclosure Statement, or "IDS." Since government surcharge fees can be avoided by filing the IDS within three months of filing the original application, please bring

**ATTACHMENT C**

any additional prior art to my attention with your other comments on the application. If you become aware of new prior art at later date, then please bring it to my attention as soon as possible so that other surcharge fees can be avoided by promptly submitting the information to the Patent Office within three months of its discovery.

I am looking forward to receiving your comments and signatures on the enclosed materials as soon as possible.

In the meantime, please feel free to call if you would like to discuss any aspect of the invention, application, or intellectual property laws in more detail.

Thanks,

**James W. Pemrick**  
Patent Agent

**GE Energy**  
Bldg. 43, Room 221  
One River Road  
Schenectady, NY 12345

Telephone: 518-385-4522  
DialComm: \*235-4522  
Facsimile: 866-325-5699  
E-mail: [james.pemrick@ge.com](mailto:james.pemrick@ge.com)  
Web: [www.ge.com](http://www.ge.com)

General Electric Company

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Ship To 1: Rogall, Peter (GE Infra, Energy)  
Ship To 2: GE Infra, Energy  
Address: Holsterfeld 16  
Salzbergen,  
City/State/Postal Code: Niedersachsen, 48499  
Country: GERMANY  
Phone:

**Sender Information**

Name: Ernest Cusick  
Phone: 518-385-2725  
Department: GE Energy - IP L

**Package Information**

Package ID: 423845  
Tracking #: 967273436924  
Ship Date: 04/24/2008  
Account: A555  
Charges: \$11.39  
Carrier: FedEx Plus ORIGIN 12345  
Service: Int'l Priority PACKAGE  
Weight: 1

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Signed for by J.SCHMIDT  
Ship date Apr 24, 2008  
Delivery date Apr 28, 2008 11:41 AM

Reference A555  
Department number A555  
Destination NIEDERSACHSEN DE  
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Weight 0.3 lbs.

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Date/Time	Activity	Location	Details
Apr 28, 2008 11:41 AM	Delivered	NIEDERSACHSEN DE	
9:44 AM	Delivery exception	OSNABRUECK DE	Package at station, arrived after courier dispatch
9:21 AM	On FedEx vehicle for delivery	OSNABRUECK DE	
8:01 AM	At local FedEx facility	OSNABRUECK DE	
Apr 27, 2008 11:22 PM	In transit	HANNOVER DE	
Apr 25, 2008 11:17 PM	Int'l shipment release	FRANKFURT DE	
11:12 PM	In transit	FRANKFURT DE	Package available for clearance
11:12 PM	Arrived at FedEx location	FRANKFURT DE	
5:16 AM	Departed FedEx location	MEMPHIS, TN	
1:33 AM	Departed FedEx location	MEMPHIS, TN	
Apr 24, 2008 11:37 PM	Arrived at FedEx location	MEMPHIS, TN	
8:43 PM	Left origin	MENANDS, NY	
12:44 PM	Package data transmitted to FedEx		



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Status: Shipped 4/24/2008.

**Recipient Information**

Ship To 1: Martin Eilting  
Ship To 2:  
Address: Dockenschlag 15  
City/State/Postal Code: Rhlene, 48432  
Country: GERMANY  
Phone:

**Sender Information**

Name: Ernest Cusick  
Phone: 518-385-2725  
Department: GE Energy - IP L

**Package Information**

Package ID: 423846  
Tracking #: 967273436913  
Ship Date: 04/24/2008  
Account: A555  
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**Tracking number** 967273436913  
**Signed for by** ..EILTING  
**Ship date** Apr 24, 2008  
**Delivery date** Apr 28, 2008 11:13 AM

**Reference** A555  
**Department number** A555  
**Destination** RHIENE DE  
**Delivered to** Receptionist/Front Desk  
**Service type** International Priority Service  
**Weight** 0.3 lbs.

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**Status** Delivered

**Signature image available** [No](#)

Date/Time	Activity	Location	Details
Apr 28, 2008	11:13 AM Delivered	RHIENE DE	
	9:44 AM Delivery exception	OSNABRUECK DE	Package at station, arrived after courier dispatch
	9:21 AM On FedEx vehicle for delivery	OSNABRUECK DE	
	8:22 AM At local FedEx facility	OSNABRUECK DE	
Apr 27, 2008	11:18 PM In transit	HANNOVER DE	
	11:10 PM Departed FedEx location	FRANKFURT DE	
Apr 25, 2008	10:58 PM Int'l shipment release	FRANKFURT DE	
	10:53 PM Arrived at FedEx location	FRANKFURT DE	
	10:53 PM In transit	FRANKFURT DE	Package available for clearance
	5:16 AM Departed FedEx location	MEMPHIS, TN	
Apr 24, 2008	1:33 AM Departed FedEx location	MEMPHIS, TN	
	11:37 PM Arrived at FedEx location	MEMPHIS, TN	
	8:43 PM Left origin	MENANDS, NY	
	12:41 PM Package data transmitted to FedEx		



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<input type="text"/>	<input type="text" value="English"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Pemrick, James (GE Infra, Energy)**

---

**From:** Rogall, Peter (GE Infra, Energy)  
**Sent:** Tuesday, April 29, 2008 4:08 AM  
**To:** Pemrick, James (GE Infra, Energy); 'martin.eilting@t-online.de'  
**Cc:** Cass, Jean-Paul (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Subject:** RE: 129494  
**Attachments:** Performance 129494\_2.doc

Dear James,

Thanks again that you have sent a revised declaration and as I have mentioned during our conversation in the past there are some points, which I would like to clarify before signing the documents.

In 2002 the inventors signed the formal claiming letter and GE got rights to use the patent in the whole world. In return of this patent monopoly the inventors got a claim of a patent bonus.

In terms of the further developments regarding the patent and some failures in the past it will come to a point where I would like to enforce the claim of the inventors.

1. The inventors did not get a release in order to file patent rights in these countries where GE is not interested in. Now the time line is over and the inventors have lost the opportunity to get patent rights.
2. The value of the invention was assessed wrongly.
3. The patent is now used by other competitors and they will make monetary gain, which should have been made by GE and the inventors.

Based on these arguments I have attached a document, which should be transferred into a base contract between GE and the inventors.

From my point of view it would be the best to sign the contract and the declaration at the same time.

Best regards,

Peter Rogall

---

**From:** Pemrick, James (GE Infra, Energy)  
**Sent:** Donnerstag, 24. April 2008 16:48  
**To:** Rogall, Peter (GE Infra, Energy); martin.eilting@t-online.de  
**Cc:** Cass, Jean-Paul (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Subject:** 129494

Re: U.S. Patent Application and Formal Papers for  
U.S. Patent Application Publication No. 2006/0153675 A1  
"Wind Power Plant And Arrangement Of Bearings Therefor"  
Inventors: Peter Rogall and Martin Eilting  
Invention Disclosure Letter No.: 129494

Dear Peter and Martin:

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I am looking forward to receiving your comments and signatures on the attached materials as soon as possible.

In the meantime, please feel free to call if you would like to discuss any aspect of the invention, application, or intellectual property laws in more detail.

Thanks,

James W. Pemrick  
Patent Agent

GE Energy  
Bldg. 43, Room 221  
One River Road  
Schenectady, NY 12345

Telephone: 518-385-4522  
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**Pemrick, James (GE Infra, Energy)**

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**From:** Martin Eilting [Martin.Eilting@t-online.de]  
**Sent:** Tuesday, June 10, 2008 9:32 AM  
**To:** Pemrick, James (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Cc:** McGinness, Jim E (GE Infra, Energy); Cass, Jean-Paul (GE Infra, Energy); Rogall, Peter (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Hennig, Jens (GE Infra, Energy)  
**Subject:** AW: 129494

Hello Gentlemen,

last week on Thursday, Jun 5<sup>th</sup> I received a call from Stefan Rieken, GE Salzbergen. Stefan asked me again to sign the mentioned documents for the US patent application. He also mentioned that there is a deadline on Friday, Jun 6<sup>th</sup>.

I explained Stefan again, that in general I'm willing to support every item to ensure that GE "gets" the rights for this idea in the US and maybe other places. But I also remindet Stefan that there are since more then five weeks three not answered questions from Peter Rogall regarding this application and that I'm not willing to sign something under time pressure not caused by me. Here it is a person or a team in GE which causes this time pressure. Yes, I know this is very direct and not so polite, but it is the truth!

Is it such a big challenge for GE to answer three simple questions, maybe to discuss and clarify the answers and then to agree to the results?

There is a reason that Peter and I act in this way, because of "lessons learned".

Again, escalated the questions to an authorized person or committee, get the answers and then, for sure, we get a solution together.

**Ernest**, did you raise the issue to Rob Andrews, as you mentioned in your e-mail from Tuesday, Apr 29<sup>th</sup>? This is already six weeks ago ...

If there is a need and still a change to discuss I'm always willing to attend a call, a meeting or whatever (I think the same for Peter). But statements, answers and other results need to be written.

I'm looking forward for your answer.

Thx and by,

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-----Ursprüngliche Nachricht-----

**Von:** Rogall, Peter (GE Infra, Energy) [mailto:[peter.rogall@ge.com](mailto:peter.rogall@ge.com)]

**Gesendet:** Donnerstag, 5. Juni 2008 17:03

**An:** Pemrick, James (GE Infra, Energy)

**Cc:** McGinness, Jim E (GE Infra, Energy); Cass, Jean-Paul (GE Infra, Energy); [martin.eilting@t-online.de](mailto:martin.eilting@t-online.de)

**Betreff:** RE: 129494

Dear James,

nice to get your answer so soon, but from my point of view Jim and JP got my e-mail like you on 29th of April. So I don't understand why they didn't answer until now. So perhaps it would make more sense, if you would inform them to show the importance of their answer.

Best regards,

Peter

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**From:** Pemrick, James (GE Infra, Energy)  
**Sent:** Donnerstag, 5. Juni 2008 14:32  
**To:** Rogall, Peter (GE Infra, Energy)  
**Cc:** McGinness, Jim E (GE Infra, Energy); Cass, Jean-Paul (GE Infra, Energy)  
**Subject:** RE: 129494

Peter:

Your questions 1-3 can not be answered by me. Please direct these to Jim McGinness and/or JP Cass.

I have copied them on this e-mail.

Thanks,

James W. Pemrick  
Patent Agent

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**From:** Rogall, Peter (GE Infra, Energy)  
**Sent:** Tuesday, April 29, 2008 4:08 AM  
**To:** Pemrick, James (GE Infra, Energy); 'martin.eilting@t-online.de'  
**Cc:** Cass, Jean-Paul (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Subject:** RE: 129494

Dear James,

Thanks again that you have sent a revised declaration and as I have mentioned during our conversation in the past there are some points, which I would like to clarify before signing the documents.

In 2002 the inventors signed the formal claiming letter and GE got rights to use the patent in the whole world. In return of this patent monopoly the inventors got a claim of a patent bonus.

In terms of the further developments regarding the patent and some failures in the past it will come to a point where I would like to enforce the claim of the inventors.

1. **The inventors did not get a release in order to file patent rights in these countries where GE is not interested in. Now the time line is over and the inventors have lost the opportunity to get patent rights.**
2. **The value of the invention was assessed wrongly.**

**3. The patent is now used by other competitors and they will make monetary gain, which should have been made by GE and the inventors.**

Based on these arguments I have attached a document, which should be transferred into a base contract between GE and the inventors.

From my point of view it would be the best to sign the contract and the declaration at the same time.

Best regards,

Peter Rogall

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**From:** Pemrick, James (GE Infra, Energy)  
**Sent:** Donnerstag, 24. April 2008 16:48  
**To:** Rogall, Peter (GE Infra, Energy); martin.eilting@t-online.de  
**Cc:** Cass, Jean-Paul (GE Infra, Energy); Rieken, Stefan (GE Infra, Energy); Cusick, Ernest G (GE Infra, Energy)  
**Subject:** 129494

Re: U.S. Patent Application and Formal Papers for  
U.S. Patent Application Publication No. 2006/0153675 A1  
"Wind Power Plant And Arrangement Of Bearings Therefor"  
Inventors: Peter Rogall and Martin Eilting  
Invention Disclosure Letter No.: 129494

Dear Peter and Martin:

Thanks again for all of your assistance in the preparation and prosecution of the attached patent application for the invention identified above.

Enclosed with this e-mail is a new Combined Declaration and Power of Attorney paper for you to sign, date, and return to me (via facsimile, email, or postal mail). You may also send me any corrections, additions, and/or other comments that you might have concerning the application as discussed in more detail below.

I have also attached the published application, identified above, which was filed on February 9, 2006.

This new declaration is required by the Examiner in the most recent Office Action received from the United States Patent & Trademark Office (USPTO). If we do not comply, we run the risk of losing these intellectual property (IP) rights.

**Duty of Disclosure**

I would also like to bring to your attention the obligation of all individuals who are associated with the filing and prosecution of the application to disclose to the USPTO all information that is known by them to be material to the examination of the application. Failure to disclose such information may lead to any resulting patents being held unenforceable. This "duty of disclosure" remains in effect until any patents are ultimately issued and most often applies to two types of "prior art" which could otherwise prevent the issuance of a patent as discussed below.

**Prior Art**

The first type of material prior art is information concerning the invention and/or related technologies being "known or used by others in this country," or "patented or described in a printed publication" anywhere in the world, before the invention was completed by the applicant. The second type of prior art concerns the invention being "patented or described in a printed publication in this or a foreign country," or "in public use or on sale in this country," more than one year before the date that the patent application was filed in the United States. With regard to U.S. patents, it is also important to remember that they become effective as prior art on their U.S. filing date, rather than the later issue date on which they are actually published.

**Submission of Prior Art**

In order to comply with this duty of disclosure, copies of any references that are cited in the application will be submitted to the Patent Office as part of an Information Disclosure Statement, or "IDS." Since government surcharge fees can be avoided by filing the IDS within three months of filing the original application, please bring any additional prior art to my attention with your other comments on the application. If you become aware of new prior art at later date, then please bring it to my attention as soon as

possible so that other surcharge fees can be avoided by promptly submitting the information to the Patent Office within three months of its discovery.

I am looking forward to receiving your comments and signatures on the attached materials as soon as possible.

In the meantime, please feel free to call if you would like to discuss any aspect of the invention, application, or intellectual property laws in more detail.

Thanks,

James W. Pemrick  
Patent Agent

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